REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 are rejected.

All amendments and remarks are made in a good faith effort to advance the prosecution on the merits. Applicants reserve the right subsequently to take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicants respectfully request that the amendments submitted herein be entered, and further requests reconsideration in light of the amendments and remarks contained herein.

Claim Rejections - 35 U.S.C. § 112

The Examiner indicated that claims 13 and 14 recite the limitation "the group" and that there was insufficient antecedent basis for this limitation in the claim.

In response, claims 13 and 14 have been amended to recite "the group" limitation as a *Markush* expression. *See,* MPEP 2173.05(h). Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus U.S. Patent No. 5,958,058 in view of Fanning et al, U.S. Patent No. 6,330,639 B1.

As per claim 1, the Examiner writes:

"Barrus teaches the invention substantially including adjusting the performance levels of computer hardware devices in response to a user input [col. 1 lines 40-51]. Barrus does not though explicitly teach that these devices could comprise

memory devices arranged into at least one memory pooling profile.

> Fanning et al teaches arranging memory into at least one memory pooling profile [col. 8 lines 44-50 and 55-62]. Although Barrus does not explicitly teach pooling memory devices in response to a user input, it is suggested through the teaching of "a power management utility program that allows the user to manually adjust and set the performance levels of various hardware devices." [col. 1 lines 40-50]. The final goal of this power management utility is ultimately to allow the user to adjust the hardware settings to coincide with the desired power management scheme desired by the user. It would have been obvious to one of ordinary skill in the art to modify Barrus by allowing the user to recall at least one memory pooling profile because Fanning et al teaches that it would allow the user to further manage the memory devices which would have an effect on the power management [col. 2 lines 60-64]."

Claim 1 has been amended to include the limitations of claim 4. As amended, the rejection of claim 1 is respectfully traversed. While the Applicant agrees with the Examiner that Barrus does not teach the adjustment of performance levels comprising memory devices arranged into at least one memory pooling profile, the Applicant notes that the user input for both Barrus and Fanning did not include the ability for the user to specify a power performance level for *memory* as required in the limitations of amended claim 1. Neither Barrus nor Fanning, taken collectively or individually, teach or describe the specific limitation of amended claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

> As per claims 2 and 3, the Examiner writes:
>
> "Barrus teaches initiating profiles in response to a user selecting at least one application to be run on the data processing system [col. 3 lines 11-22, col. 4 lines 49-61 and col. 8 lines 38-52]."

Claim 1 is believed allowable over the prior art of record for the reasons specified above. As claim 1 is believed allowable, so too are the claims dependent upon claim 1. It is

respectfully submitted that claims 2 and 3 are allowable over the prior art of record for the reasons cited above. Reconsideration and withdrawal of the rejection are respectfully requested.

As per claims 4, the Examiner writes:

"Barrus teaches accepting a user input specifying at least one power/performance level [col. 3 lines 23-28]."

Claim 4 has been canceled.

As per claims 5-9, the Examiner writes:

"Barrus teaches a graphical user interface [GUI] where the user can specify the performance levels [col. 6 lines 17-25 and Fig 3A]. By adjusting the hand 62 in dial 60, the user can specify a maximum and minimum performance levels my moving the hand 62 to HIGH and LOW respectfully. In addition, the user can also adjust the hand 62 to a plurality of positions in between the maximum and minimum performance levels which is interpreted as high-end and low-end performance levels."

Claim 1 is believed allowable over the prior art of record for the reasons specified above. As claim 1 is believed allowable, so too are the claims dependent upon claim 1. It is respectfully submitted that claims 5-9 are allowable over the prior art of record for the reasons cited above. Reconsideration and withdrawal of the rejection are respectfully requested.

As per claims 10-11, the Examiner writes:

"Fanning et al expressly teaches placing memory devices into different pools, which correspond to the desired states for those memory devices [col. 8 lines 55-62]."

Claim 1 is believed allowable over the prior art of record for the reasons specified above. As claim 1 is believed allowable, so too are the claims dependent upon claim 1. It is respectfully submitted that claims 10 and 11 are allowable over the prior art of record for the reasons cited above. Reconsideration and withdrawal of the rejection are respectfully requested.

As per claims 12 and 15-24, the Examiner writes:

"these are rejected on the same basis as set forth hereinabove.
Barrus and Fanning et al teach the method and therefore teach
the computer system."

Claim 12 has been amended to include the limitations of claim 15. As amended, the rejection of claim 12 is respectfully traversed. While the Applicant agrees with the Examiner that Barrus does not teach the adjustment of performance levels comprising memory devices arranged into at least one memory pooling profile, the Applicant notes that the user input for both Barrus and Fanning did not include the ability for the user to specify a power performance level for *memory* as required in the limitations of amended claim 12. Neither Barrus nor Fanning, taken collectively or individually, teach or describe the specific limitation of amended claim 12. Similarly, claims that are dependent upon claim 12 are also believed allowable for the reasons cited above. Reconsideration and withdrawal of the rejection are respectfully requested.

As per claims 13 and 14, the Examiner writes:

"it is obvious that the signal bearing media could comprise
recordable and/or transmission media because it is well known
that applications can operate via these types of media."

Claim 12 is believed allowable over the prior art of record for the reasons specified above. As claim 12 is believed allowable, so too are the claims dependent upon claim 12. It is respectfully submitted that claims 13 and 14 are allowable over the prior art of record for the reasons cited above. Reconsideration and withdrawal of the rejection are respectfully requested.

SUMMARY

In light of the above remarks and amendments, reconsideration and withdrawal of the outstanding rejections and objections are respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicants believe that there are no additional fees due in association with this filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, Applicants respectfully request that the Commissioner accept this a Petition therefor, and direct that any additional fees be charged to, or any overpayments be credited to, Baker Botts L.L.P. Deposit Account No. 02-0383, *(formerly Baker & Botts, L.L.P.)*, Order Number 016295.1120.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: Ronald L. Chichester
Ronald L. Chichester
Reg. No. 36,765
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: 713.229.1341
Facsimile: 713.229.7741
EMail: Ronald.Chichester@bakerbotts.com
ATTORNEY FOR APPLICANT

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